IN RE:

PETITION FOR ADMINISTRATIVE

ZONING VARIANCE

W/S Montvieu Court, 2,100 ft.

N of c/l Sherwood Road

44 Montvieu Court

8th Election District

3rd Councilmanic District

Annette C. Strauch

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 95-2-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Annette C. Strauch for that property known as 44 Montvieu Court in the Cockeysville section of Baltimore County. The Petitioner herein seeks a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 25 ft. side yard setback in lieu of 50 ft. for an accessory structure, and to amend the last Final Development Plan of "Sherwood", Plat 2, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general velfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the control of the section 307.1 of the Baltimore Country Code. Based upon the information was also control to the section and the section and the section and the section 307.1 of the section 307.1 of the Baltimore Country Code. Based upon the information and the section 307.1 of the section 307.1

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ORDER RECEIVED FOR FILING

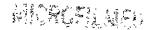
upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of August, 1994 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 25 ft. side yard setback, in lieu of 50 ft., for an accessory structure, and to amend the last Final Development Plan of "Sherwood", Plat 2, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY



LES:mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 3, 1994

Mr. and Mrs. John Strauch 44 Montvieu Court Cockeysville, Maryland 21030

> RE: Petition for Administrative Variance Case No. 95-2-A Property: 44 Montvieu Court Annette C. Strauch, Petitioner

Dear Mr. and Mrs. Strauch:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

cc: Timonthy B. Strauch, Esquire



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

44 Montvieu Court Cockeysville, Maryland 21030

which is presently zoned

RC4/RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

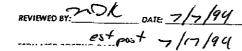
1 A04.3. B. 3. to permit a 25 side yard school in hea of 50' and amend the last FDP of "Sherwood", Plat Z.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Strict compliance with the fifty foot set back zoning requirement would result in practical difficulty or unreasonable hardship, as described in the attached Affidavit and Letter of July 28, 1993, from the developer. The requested variance will not result in an increase in residential density beyond that otherwise allowable. The requested variance is in strict harmony with the spirit and intent of the subject regulation, and can be granted without injury to public health, safety, or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to snot are to be bound by the zoning regulations and restrictions of Baltimore County.

-	(We do solemnly declare and affirm, under the penalties of perjury, that I/we are tilegal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
N/A	Annette C. Strauch
(Type or Print Name)	(Type or Print Name)
	annette C. Hrauch
Signature	Signature
Address	(Type or Print Name)
City State Zipcode	Signature
Attorney for Petitioner:	
Timothy B. Strauch	44 Montvieu Court (410) 666-8292
(Type or Print Name)	Address Phone No.
	Cockeysville, MD 21030
36 South Charles Street, Suite 2300 (410) 539-2800	City State Zipcode Name, Address and phone number of representative to be contacted.
Address Phone No.	Name
Baltimore, Maryland 21201	
City State Zipcode	Address Phone No.



MICROFILMEL

Zoning Commissioner of Battimore County

ITEM #: _____

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Inal the Atlant(s) does/do presently reside at 44 MONEVIEU COURT
Conformatile Normales 21020
Cockeysville, Maryland 21030
. 2рские
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
The property presently has no garage. The requested variance is to
permit us to add a garage to the north side of our house, partially
within the fifty foot set back, in order to create a telescope effect
on our historic home, and take advantage of the existing exterior door
to our home. In addition, it would be practically difficult and economically
unfeasible to place the garage on the opposite side of our house which
would require a new exit through the living room. Placing the garage on
the north side as requested will not impact on our neighbor in lot 29 due
to the present common driveway.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and
may be required to provide additional information. Computer C. Strauch Strauch Strauch
(type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit
of Maryland, in and for the County aforesaid, personally appeared
Annette C. Strauch and John J. Strauch
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiants(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/hor/their knowledge and belief, and that the letters attached hereto are true and accurate. AS WITNESS my hand and Notarial Seal.
July 1884 Chen
NGCARY PUBLIC
My Commission Expires: 3/1/96

95-2-A

IN THE MATTER OF

* BEFORE THE

PETITION FOR ADMINISTRATIVE

ZONING COMMISSIONER OF

VARIANCE FOR THE PROPERTY

BALTIMORE COUNTY

LOCATED AT

*

44 MONTIVIEU COURT

ZONING DESCRIPTION
44 MONTVIEU COURT
COCKEYSVILLE, MARYLAND 21030

ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 3

BEING known and designated as Lot 29A as shown on the plat of "Resubdivision of Lot 29, Plat 2, Sherwood" which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 52, folio 144. The improvements thereon being known as No. 44 Montvieu Court.

BEING THE SAME property which by Deed dated May 6, 1985, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 6925, folio 627, was granted and conveyed from SHERWOOD JOINT VENTURE, a Maryland General Partnership, to JOHN J. STRAUCH and ANNETTE C. STRAUCH.

BEING THE SAME property which by Deed dated September 28, 1987, and recorded among the Land Records of Baltimore County in , was granted and conveyed from JOHN J. STRAUCH and ANNETTE C. STRAUCH, to ANNETTE C. STRAUCH.

#3

MCROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

95-2-A

Tower, Maryland

District 8th Posted for: Variance	Date of Posting 7/15/94
Posted for:	
Petitioner: John H. & Annett	e C. Strauch
Location of property: HH Mont Viou Court	
,	
Location of Signe Facing wordway on prop	porty being zoned
Remarks:	
Posted by Manual Signature	Date of return: 7/22/94
Signature	
Number of Signs: /	



Relieves County
Zoning Administration &
Development Management
111 Vest Chesapeake Avenue
Towson, Maryland 21204

Date 07/06/94

Strauch, Annote - 44 Monthieu Ct.

610- Res. Varionce - \$ 50.00

030-50. Hearing -\$ 50.00

080-155n _\$ 35.00

\$ 135.00

receipt 95-2-A

Account: R-001-6150

Number

Taken In By: 2001

Item Kumber: 3

Michael

920<mark>02802</mark>16815166 Pd_091148*068*07+83+10 #175,67

Please Make Checks Payable To: Baltimore County

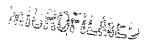
Item Number:	3
Planner;	MJK
Date Filed:	7-7-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

	Need an attorney
J	The following information is missing: Descriptions, including accurate beginning point Actual address of property Zoning Acreage Plats (need 12, only submitted) 200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired FRONT OF PETITION HAS 1 LEGAL OWNER — BACK OF PETITION HAS 2 LEGAL OWNER.
	UT TELLIUM DUTE

PET-FLAG (TXTSOPH) 11/17/93





111 West Chesapeake Avenue Fowson, MD 21204

(410) 887-3353

July 22, 1994

Timothy B. Strauch Suite 2300 36 South Charles Street Baltimore, Maryland 21201

RE: Case No. 95-2-A, Item No. 3

Petition for Administrative Variance Petitioner: Annette C. Strauch

Dear Mr. Strauch:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on July 7, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related <u>only to the filing of future</u> <u>zoning petitions</u> and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Zoning Plans Advisory Committee Comments

Timothy B. Strauch Date: July 22, 1994

Page 2

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

(0,0)

W. Carl Richards, Jr. Zoning Supervisor

WCR: cmm

Zoning Plans Advisory Committee Comments

Timothy B. Strauch Date: July 22, 1994

Page 2

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
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If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely

W. Carl Richards, Jr. Zoning Supervisor

WCR: cmm



o. James Eighlnizer Secretary Hal Kassoff Administrator

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

Baltimore County
Item No.: +3

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours. Belo Snall

DAVID N. RAMSEY, ACTING CHIEF-John Contestabile, Chief

Engineering Access Permits

The second secon

Division

BS/

My telephone number is .

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 07/19/94

Arnold Jablor
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE SELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:2, 2, 5, AND 6.

REVIEWER: LT. ROBERT P. SALERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



Gaylord Brooks Architectural Committee, Inc.

P.O. Box 193, 3314 Paper Mill Road, Phoenix, Maryland 21131 (301) 667-0800 Fax (301) 667-0078

July 28, 1993

Mr. & Mrs. John H. Strauch 44 Montview Court Cockeysville, Maryland 21030

Re: Garage Addition Sherwood, Lot 29

Dear Mr. & Mrs. Strauch,

Please be advised that Gaylord Brooks Architectural Committee approves the garage addition on the above referenced property.

We agree that placing the garage on the right side of the house is in keeping with the architectural concept of the historical telescope house design. To place the garage on the left side would not be historically correct and would create a hardship by requiring the entrance to the garage through the living room.

Furthermore, we agree that placing the garage partially within the fifty (50) foot set back does not impact your neighbor on lot 29 due to the present common driveway configuration.

If I can be of any further service please feel free to contact my office.

Very truly yours,

Thomas O. Moore

TOM/rbj

WICRUFILMED

#3

To: John H. and Annette C. Strauch

44 Montvieu Court

Cockeysville, Maryland 21030

From: Charles C. and Linda P. Latrobe

46 Montvieu Court

Re: Garage Addition

SHERWOOD Lot 29A

Dear Mr. and Mrs. Strauch

Please be advised that we approve of your garage addition on Lot 29A. We agree with placing the garage within the building setback.

We feel the garage will be an attractive addition to your home.

Very truly yours,

Jinda P. Jabrabe Charles C. Latrobe

#3

WIGNIFILWEU

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 14, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO:

John and Annette Strauch

44 Montvieu Court

Cockeysville, Maryland 21030

Re:

CASE NUMBER: 95-2-A (Item 3)

44 Montvieu Court

W/S Montvieu Court, 2,100' N of c/l Sherwood Road

8th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 17, 1994. The closing date (August 1, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

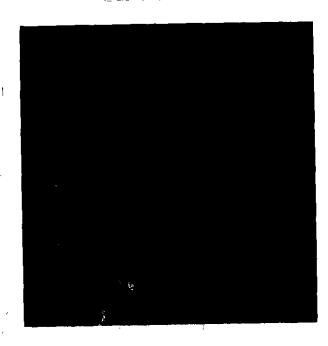
PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

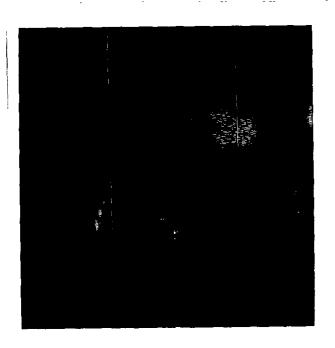
cc: Timothy B. Strauch, Esq.



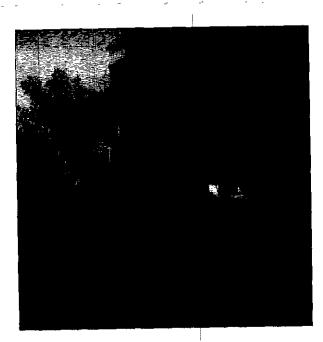
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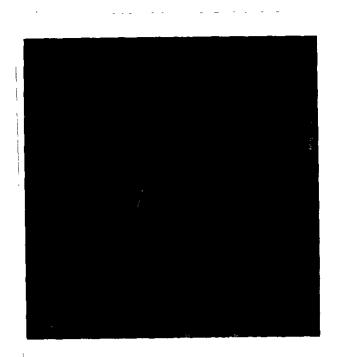
site of garage Attachment



Latrobe residence



garage and driveway area



driveway area

POLES LEI



111 West Chesapeake Avenue Towson, MD 21204

July 28, 1994

(410) 887-3353

Mr. G. Dwight Little W. Duvall and Associates, Inc. 530 E. Joppa Road Towson, MD 21286

RE: Refinement, ZADM No.:IV-313
Worthington Park, Section II
24 & 26 Aston Court
DRC No.: 07254B, 4C3

Dear Mr. Little:

On July 25, 1994, the Development Review Committee (DRC) reviewed the plan on the above referenced project and determined it to be eligible as a refinement to the CRG plan under Section 26-171 of the Baltimore County Development Regulations. This exempts your development from having to obtain approval from either the Planning Board or the Hearing Officer; however, compliance with all agency comments is still required.

The following requirements are necessary to further process your project and must be submitted to:

Zoning Administration and Development Management (ZADM) County Office Building - Room 123 111 W. Chesapeake Avenue, Towson, MD 21204

- No additional plan review is required. Submit 10 copies of the red-lined drawings, with revision dates indicated, for signature.
- 2. A copy of this letter.

The above referenced agencies will submit comments back to ZADM within one week. If any agency comments require a plan change, you will be contacted to pickup the comments at this office.

If you have any questions, please feel free to call me at 887-3353.

Respectfully,

DONALD T. RASCOE Development Manager

DTR/jaw

Printed with Soybean Ink



OFFICE OF PLANNING AND ZONINDEPHICE OF PLANNING AND ZONING PHOTOGRAPHIC MAD

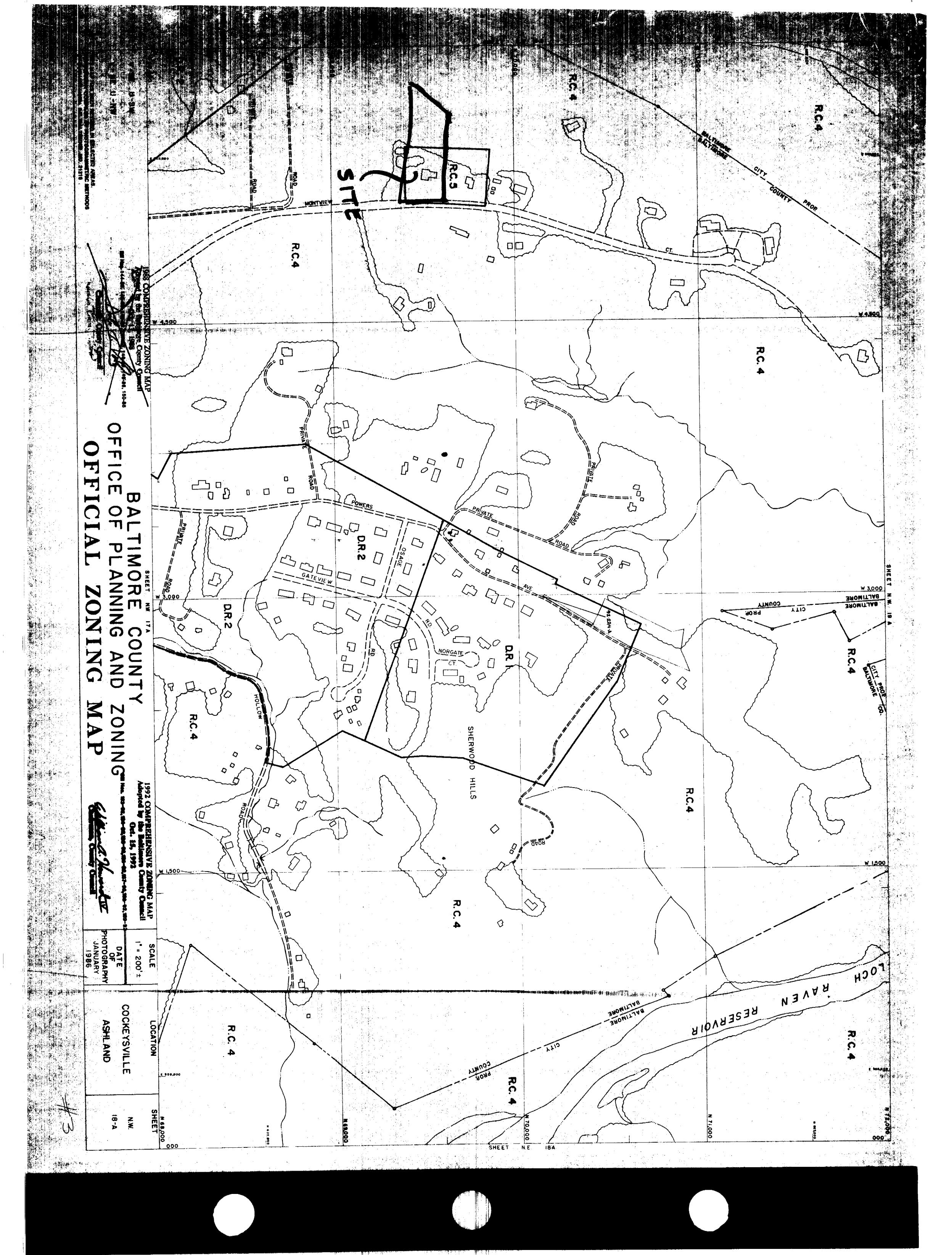
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COCKEYSVILL

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96-06

PREPARED BY AIR PHOTOGI MARTINSBURG, W.V. 2540†



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